

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--|---|------------------------------------|
| MICHAEL FRANKLIN, |) | |
| |) | Civil Action No. 08 - 753 |
| Plaintiff, |) | |
| |) | Judge Arthur J. Schwab / |
| v. |) | Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| WARDEN JOHN WALTON; CO. I. BRIAN |) | |
| MATINSKY; CO. I. RICHARD DAVANZO; |) | |
| CO. I. ARTHUR J. BLASCO; CO. I. STEVEN |) | |
| M. GREENAWALT; CO. I. DAVID SIMS; CO. |) | |
| I. WILLIAM MCKAY; LIEUTENANT JOHN J. |) | |
| HOSTOFFER, |) | |
| |) | |
| Defendants. |) | |

ORDER

The above captioned case was filed on June 6, 2008 and was assigned to Magistrate Judge Lisa Pupo Lenihan. Judge Arthur J. Schwab was assigned on April 22, 2009.

The Magistrate Judge's Report and Recommendation (Doc. No. 24), filed on April 27, 2009, recommended that this action be dismissed for failure to prosecute due to Plaintiff's failure to move forward with this action and his failure to comply with an order to show cause why this case should not be dismissed. The Plaintiff was served at his address of record, 11523 Frankstown Road, Pittsburgh, PA 15235 and service was made on counsel for the Defendants. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

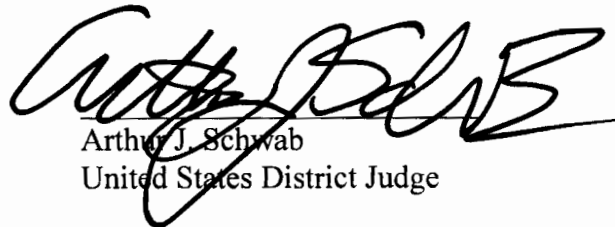
AND NOW, this 21st day of May, 2009;

IT IS HEREBY ORDERED that this action be **DISMISSED** for failure to prosecute due to Plaintiff's failure to move forward with this action and his failure to comply with an order to show cause why this case should not be dismissed.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 24) of Magistrate Judge Lenihan, dated April 27, 2009, is adopted as the opinion of the court.

Dated:

By the Court:



Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Michael Franklin
11523 Frankstown Road
Pittsburgh, PA 15235

Counsel of record.